

EXHIBIT E

Page 1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----
4 NEW YORK IMMIGRATION COALITION, ET AL.,

5 Plaintiffs,

6 vs. Case No. 1:18-CF-05025-JMF

7 UNITED STATES DEPARTMENT OF COMMERCE, ET AL.,

8 Defendants.
9 -----

10 Washington, D.C.

11 Wednesday, August 29, 2018

12 Deposition of:

13 DR. JOHN ABOWD

14 called for oral examination by counsel for
15 Plaintiffs, pursuant to notice, at the office of
16 Arnold & Porter, 601 Massachusetts Avenue NW,
17 Washington, D.C., before KAREN LYNN JORGENSEN,
18 RPR, CSR, CCR of Capital Reporting Company,
19 beginning at 9:06 a.m., when were present on
20 behalf of the respective parties:

21 Veritext Legal Solutions

22 Mid-Atlantic Region

1250 Eye Street NW - Suite 350

Washington, D.C. 20005

1 P R O C E E D I N G S

2 WHEREUPON,

3
4 VIDEOGRAPHER: Good morning. We're going
5 on the record at 9:06 a.m. on Wednesday August 29,
6 2018. Please note that the microphones are
7 sensitive and may pick up whispering and private
8 conversations. Please turn off all cell phones
9 and place them away from the microphones, as they
10 can interfere with the deposition audio. Audio
11 and video recording will continue to take place
12 unless all parties agree to go off the record.

13 This is Media Unit 1 of the video
14 recorded deposition of Dr. John Abowd taken by
15 counsel for the plaintiff in the matter of the
16 New York Immigration Coalition, et al., v.
17 United States Department of Commerce, et al. This
18 case is filed in the U.S. District Court of the
19 Southern District of New York. This deposition is
20 being held at the law offices of Arnold & Porter
21 located at 601 Massachusetts Avenue Northwest,
22 Washington, D.C. 20001.

1 My name is Dan Reidy from the firm
2 Veritext Legal Solutions, and I'm the
3 videographer. The court reporter is
4 Karen Jorgenson from the firm Veritext Legal
5 Solutions.

6 I am not authorized to administer an
7 oath. I am not related to any party in this
8 action, nor am I financially interested in the
9 outcome.

10 Also, counsels' appearances will be noted
11 on the stenographic record rather than orally at
12 this time.

13 Will the court reporter please swear in
14 the witness?

15 DR. JOHN ABOWD,
16 called as a witness, and having been first duly
17 sworn, was examined and testified as follows:

18 THE WITNESS: I do.

19 EXAMINATION BY MR. HO:

20 Q Dr. Abowd, before we get started, I just
21 want to confirm something on the record with your
22 counsel.

1 form. I am certain that the questions for the
2 American Community Survey and the 2010 census were
3 put through the full battery of the tests.

4 If you would like, during the break, I
5 will call and ask for cognitive testing of the
6 censuses prior to the 2010.

7 Q Well, so just stick with the 2010. The
8 full short form census enumeration questionnaire
9 was cognitively tested before being deployed for
10 the actual 2010 census, correct?

11 A That is my understanding. But it may
12 have been question by question. I will -- I will
13 actually, during a break, ask a more specific
14 question about the form of the testing.

15 Q Dr. Abowd, has there been any field
16 testing of the citizenship question that's going
17 to be used on the 2020 census without a prefatory
18 question about nativity?

19 A No.

20 Q And there's been no field testing of the
21 full 2020 census questionnaire, including the
22 citizenship question, correct?

1 A That's correct.

2 Q And before the 2010 census, as far as you
3 know, there was field testing of the full short
4 form census questionnaire, right?

5 A Yes.

6 Q At present, there are no plans for field
7 testing of the full 2020 census questionnaire,
8 including the citizenship question; is that right?

9 A That's correct.

10 Q Why not?

11 A In May of 2016 the -- Enrique Lamas, the
12 associate director for demographic programs, who
13 is performing the nonexclusive functions and
14 duties of the deputy director -- and I'm going to
15 call him the acting deputy director from now on --
16 the acting deputy director asked Victoria Velkoff,
17 the chief of the American Community Survey Office,
18 to design a field experiment for the census
19 questions in the exact ACS form and without a
20 lead-in nativity question using the experimental
21 components of the American Community Survey, which
22 allow us to deploy test instruments without

1 disrupting the production instrument, but with a
2 proper experimental design.

3 Tori drafted such an experiment. It
4 included multiple forms of the citizenship
5 question; the one that is in the ACS, the shorter
6 one that's in the Current Population Survey, and
7 no citizenship question, at all. Designed a
8 randomized controlled trial of those questions,
9 controlled to produce sampling errors of either a
10 half of a percent or one percentage point and
11 presented the plan to the acting deputy director
12 and its budget.

13 The acting deputy director and
14 Ron Jarmin, the deputy director performing the
15 nonexclusive functions and duties of the director,
16 and I'm going to call him the acting director from
17 now on. The acting director and Enrique decided
18 that the experiment which could not be deployed
19 until the earliest, November of 2019, and possibly
20 not until the following February, I believe, was
21 not going to produce sufficient information to be
22 worth deploying. In their opinion, and in the

1 opinion of the Census Bureau professionals, the
2 citizenship question, even without a nativity
3 lead-in, has been adequately tested.

4 Q I believe you said that it was in May of
5 2016 --

6 A I said -- I may have said '19, but I
7 meant May of 2018. It was after the
8 Secretary -- sorry. Thank you for correcting me.
9 It was after the Secretary instructed us to add
10 the question. It was in May of this year.

11 Q Thank you for clarifying.

12 Dr. Abowd, what is the Center For Survey
13 Measurement within the Census Bureau?

14 A The Center For Survey Measurement is a
15 group of, primarily, behavioral scientists and
16 survey methodologists led by Paul Beatty who is
17 the chief.

18 Q And what does -- I'll call it CSM for
19 short -- what does CSM do?

20 A CSM does a variety of questionnaire
21 testing and qualitative research, leading content
22 recognition questionnaire layout, ISR -- Internet

1 that block-level CVAP data will be larger or
2 smaller than the error margins associated with the
3 block-level CVAP data that DOJ currently uses,
4 based on ACS estimates?

5 A I have to give a nuanced answer to that
6 question. We don't know, because we haven't set
7 the parameters of the disclosure avoidance system
8 yet. That's somewhat new territory for my
9 colleagues, and I am certain that one of the
10 things we will be discussing is whether the error
11 margins associated with both the P.L. 94 and the
12 CVAP table at the block level still allow
13 redistricting offices and the
14 Department of Justice to use the data effectively.
15 That is the use case for those data.

16 Q Would you agree -- never mind. That's
17 fine.

18 You testified a little bit about a
19 possible RCT of the citizenship question and
20 request from, I believe it was Enrique Lamas, to
21 get a proposal for doing an RCT of the citizenship
22 question without the prefatory nativity question

1 that's been used in past questionnaires.

2 Did I get that right?

3 A Everything you just said is what I said,
4 I think, yes.

5 Q Okay. And that was in March of 2018?

6 A May.

7 Q May of 2018.

8 And are there documents to reflect the
9 request from Mr. Lamas to conduct an RCT of the
10 citizenship question without a prefatory question
11 without nativity?

12 A First of all, he didn't request an RCT.
13 He requested a proposal for an RCT.

14 Q Thank you.

15 A And I have seen Victoria Velkoff's
16 response to that request. So there are artifacts,
17 yes.

18 Q Was that request, or Ms. Velkoff's
19 response, were those in emails?

20 A I do not know how the correspondence
21 between Enrique and Tori Velkoff was conducted.
22 But there is a document that is the proposal of

1 American Community -- ACS office produced, and
2 that was transmitted to me by email.

3 Q And when you say there was a document
4 produced, was that like a memorandum attached to
5 an email or was it in the text of an email?

6 A It was a separate document, short summary
7 of the proposal. I think it was all of the
8 proposal, but it was short.

9 Q As set forth in that proposal, how long
10 would the RCT have taken?

11 A I did read it very recently, but I did
12 not memorize it. The way it works in the
13 experimental components of the American Community
14 Survey is you designate certain months in the
15 field for data collection. And then the
16 American Community Survey data are processed in a
17 flow, but we don't release the official products
18 until the flow of an entire year has been
19 processed, but we would have been able to evaluate
20 an experiment as soon as the months that were in
21 the experiment were evaluated.

22 She gave two separate start dates for the

1 experiment. One was November and one was early in
2 2019. But I don't remember her saying how many
3 months it had to run to achieve the standard
4 errors that -- that it was designed to produce, so
5 that's -- it may not have been in there.

6 Q Do you know how expensive either of those
7 proposals to conduct an RCT of the citizenship
8 question would have been?

9 A Would you remember to re-ask that
10 question after the next break? I would rather
11 give you exactly the right answer than the two
12 numbers I remember, and I think I have transposed
13 digits in one of them, so I'm just going to go
14 look.

15 Q I appreciate that. And if it's not me,
16 then it might be somebody else.

17 A Right. As long as someone knows to
18 re-ask, I know my counsel will remind me to check.

19 Q Was that RCT proposal discussed with
20 anyone outside of the Census Bureau?

21 A When I discussed that RCT proposal with
22 the acting deputy director, he took

1 responsibility, in conjunction with the acting
2 director, for giving me the no-go, but he didn't
3 tell me whether he discussed with anyone else
4 outside the Bureau.

5 Q So you're aware that Dr. Jarmin and -- I
6 don't know if it's Dr. or Mr. Lamas?

7 A It's doctor. It's Dr. Velkoff, too.

8 Q Okay. You don't know if anyone other
9 than Dr. Jarmin and Dr. Lamas were involved in
10 this -- the decision not to do the RCT of the
11 citizenship question?

12 A I do not know.

13 Q You testified at one point whether or
14 not -- excuse me -- you testified at one point
15 that there are indicators in that -- let me try
16 again.

17 I think you testified earlier that there
18 are indicators suggesting that nonresponse rates
19 to a citizenship question among noncitizens are
20 increasing; is that right?

21 A Yes.

22 Q What are those indicators that you were

1 my rank, but some will send a specialist. And
2 then the director conveys to the Department of
3 Commerce a set of recommendations to fill a
4 vacancy. It's the Department of Commerce then
5 decides to whom to extend that invitation.

6 Q Is it fair to say that, generally
7 speaking, CSAC members are highly regarded as
8 social scientists by the Census Bureau?

9 A Yes.

10 Q You're familiar with former Census Bureau
11 director John Thompson?

12 A I have met Dr. Thompson. Mr. Thompson,
13 excuse me.

14 Q Fair to say that the Census Bureau has a
15 high opinion of Dr. Thompson as a scientist?

16 A It is Mr., and yes.

17 Q Fair to say the Census Bureau considers
18 him well versed in standard Census Bureau testing
19 practices?

20 A Yes.

21 Q Has the Census Bureau contracted with any
22 private companies or PR firms to conduct research

1 on public attitudes with respect to answering a
2 citizenship question?

3 A The Census Bureau has awarded the
4 integrated communication contract for the 2020
5 census. Under task orders associated with that
6 contract, the CBAMS -- I expanded the acronym
7 earlier -- the CBAMS surveys and the CBAMS focus
8 groups were conducted. They were conducted by the
9 contractor, who I believe satisfies the definition
10 of an external expert on collecting survey
11 opinion.

12 And after the Secretary instructed us to
13 put the citizenship question on the 2020 census,
14 the focus group protocol was modified to begin
15 collecting information on it, but it was not time
16 to modify the survey protocol.

17 Q Who is that external contractor?

18 A So the lead contractor is
19 Young & Rubicon.

20 Q Has the Census Bureau contracted with a
21 company named Reingold to conduct research on
22 public attitudes with respect to answering a

1 citizenship question?

2 Reingold spelled R-E-I-N-G-O-L-D.

3 A I do not know whether Reingold is a
4 subcontractor in the integrated communication
5 contract. If they are, then the answer could be
6 yes. I'm not aware of another contract, but I
7 will check during a break.

8 Q Okay. Does the Census Bureau think that
9 adding a citizenship question to the 2020
10 enumeration questionnaire is a good idea?

11 A No.

12 MR. HO: Can we go off the record for a
13 second?

14 VIDEOGRAPHER: We're going off the
15 record. The time on the video is 12:07 p.m.

16 (Off the record.)

17 VIDEOGRAPHER: This begins Media Unit
18 Number 3. The time on the video is 1:03 p.m. We
19 are on the record.

20 BY MR. HO:

21 Q Dr. Abowd, I don't have any other
22 questions for you at this time, but I know you

1 said you were going to check on a few things at
2 lunch, and I just wondered if there was anything
3 in particular that you wanted to offer any detail
4 about that you were unable to -- for which you
5 were unable to do earlier?

6 A Yes. First of all, let's go to the
7 easiest one. Reingold is a contractor for the
8 Census Bureau.

9 Q Okay. What are they a contractor for?

10 A They're in -- they have one of the
11 decennial communications contracts. I have
12 requested a summary of the task orders. I haven't
13 received it yet.

14 Q Do you know what work they've performed
15 for the Census Bureau?

16 A That's why I asked for a summary of the
17 task orders. I do not.

18 Q Do you know if there are any documents
19 reflecting the work that Reingold has done for the
20 Census Bureau?

21 A I didn't ask that. I will at the next
22 break.

1 Q Any other issues you'd like to clarify?

2 A In the ACT -- I'm sorry -- ACS RCT, the
3 design was to last for six weeks of data
4 collection, so the one that would -- had it
5 started in November, those data would have been
6 collected by mid-January. There were two designs.
7 They both involved a control group, which in these
8 experiments just means the ACS says it is being
9 run, so we don't have a separate control group.

10 A questionnaire that just had the
11 American Community Survey citizenship question,
12 just the citizenship question, and a group -- a
13 treatment group that just had the CPS version, yes
14 or no. It wasn't the exact CPS version but a
15 two-choice version. And then --

16 (Thereupon, the court reporter
17 clarified.)

18 THE WITNESS: A treatment group that had
19 no citizenship question.

20 To achieve the high level of accuracy
21 would have been \$4 million. To achieve the lower
22 level of accuracy would have been 2 million, same

1 field period.

2 BY MR. HO:

3 Q Thank you. And this would have been the
4 only testing of the 2020 decennial questionnaire
5 with a citizenship question in it, correct?

6 A This is the only field testing with and
7 without citizenship question, directly analyzing
8 the citizenship question that we have considered
9 at the Census Bureau.

10 I also verified that the 2010 census
11 questionnaire had full cognitive and field
12 testing. That the 2020 questionnaire without the
13 citizenship question had -- so I asked him the
14 same way you asked me, was adequately, cognitively
15 tested; yes.

16 Q I'm sorry. Who did you ask whether or
17 not?

18 A I asked my staff -- the same group that I
19 had been asking generally about the testing, I
20 specifically asked about the cognitive testing for
21 the 2020 questionnaire, with and without the
22 citizenship question, and their answer was that it

1 was adequately tested with the citizen- -- without
2 the citizenship question, but not adequately
3 tested with the citizenship question, cognitive
4 testing.

5 Q Thank you.

6 A Okay.

7 And, thirdly, in this table, Exhibit 12,
8 the third panel, the CAPI response rate, I
9 confirmed, so I can now say the way the tract was
10 put into deciles was based on the five-year
11 American Community Survey for the middle five
12 years of the table, so 2011 through 2015. That
13 the CAPI response rate is just the CAPI response
14 rate in the nonresponse follow-up system, okay.

15 I think those were all the things we had
16 unresolved. If you think there were others -- we
17 went over our notes, but I think I've answered the
18 questions that that were unresolved.

19 MR. HO: I don't have any others right
20 now, so I'm going to pass you along to one of the
21 other lawyers for one of the other plaintiff
22 groups, subject, of course, to the issue that I've

1 MAFIDs. Then the -- the primary instrument was an
2 Internet self-response instrument run off the same
3 computer system with the American Community Survey
4 and many of the economic surveys are run off of.

5 If the -- if the contact, which is by
6 mail, comes back determining that there's nobody
7 living there, so they're removed from the scope of
8 the sample, and then we calculate the percentage
9 of households that we get a response from. So
10 about 17 percent -- about 17,000 of the 50,000
11 households responded. In the way we calculate
12 response rates, that's about a 38 percent response
13 rate.

14 Q And I'm going to hand you what's going to
15 be marked as Exhibit 18.

16 (Plaintiffs' Exhibit 18, 2020 CBAMS
17 survey, was marked.)

18 BY MR. ADAMS:

19 Q And I will represent that this is a
20 document downloaded from the Census Bureau's
21 website and identified as the 2020 CBAMS survey.
22 Do you recognize the document as being the 2020

1 CBAMS survey?

2 A So I've only ever seen the code book, not
3 the instrument. But I recognize questions, so I
4 think this is the right questionnaire.

5 Q And how -- how are these questions
6 selected for inclusion in the survey?

7 A We conducted a much more limited CBAMS in
8 2008. That, I believe, was the first time we
9 attempted to get pre-census information on factors
10 that might affect the costs of carrying out the
11 census, the effectiveness of the census. There is
12 a -- there is a research staff led by one of
13 the -- by a senior survey methodologist,
14 Nancy Bates, and with other senior mathematical
15 statisticians and with other senior survey
16 measurement experts, some in the Center For Survey
17 Measurement and some in the decennial census
18 statistical divisions, and some in the other parts
19 of the Census Bureau. They put this instrument
20 and the survey through our lifecycle survey
21 development program.

22 They had constructs that they were trying

1 to capture. Some of which they believed to be
2 well captured by questions that had been used in
3 older CBAMS. Some of which come from questions
4 that are used by other survey organizations to
5 measure general attitudes. There are a large
6 number of those and our survey measurement experts
7 are very familiar with them.

8 So -- so they would have had a set of
9 candidate questions -- they have, generally
10 speaking, a known budget or approximate budget,
11 and experience in planning how much of that budget
12 has to be allocated to instrument development,
13 instrument testing. So if it's an Internet
14 self-response, so there's no field operations for
15 the data collection operation. There was no
16 nonresponse follow-ups, so that phase isn't there.
17 And then, post -- post-response processing and
18 data editing tabulation. So they would have had a
19 tentative plan for allocating their budget across
20 the steps and then put the questionnaire through
21 cognitive testing, the questions, unless the
22 question has been previously cognitively tested,

1 and then laboratory testing of the whole form.

2 And then I believe they used a small
3 experimental sample. Our -- I'm not sure they
4 used an experimental sample. They might have all
5 been done with laboratory samples, so those are
6 people that were recruited into our labs to take
7 whole instruments as opposed to single questions
8 or focus groups. The Center For Survey
9 Measurement has laboratory facilities that can
10 simulate the survey environment or simulate
11 questions or conduct a focus group. They would
12 have used a combination of those tools to get the
13 instrument in place.

14 One of the statisticians on the team
15 would have drawn the address sample from the MAF.
16 The addresses would have been prepared, mail-out
17 materials inviting you to participate would have
18 been prepared, and then the effort staged during a
19 fixed field operation.

20 The survey was conducted in collaboration
21 with -- in collaboration of Y&R, Young & Rubicon,
22 the lead contractor in the integrated

1 communication contract, and Y&R and other
2 subcontractors in that contract also participated
3 in the development and some of their resources
4 were used, as well.

5 Q Will the result of the 2020 CBAMS be used
6 only for the purposes of the 2020 census?

7 A Well, I'm sure the answer to that
8 question is no, because our data can be used
9 regularly. They were collected primarily in
10 support of the 2020 census. That's a funding
11 issue. So we couldn't have run a survey like this
12 intending to use it primarily for the SIPP and
13 charged it to 2020. So its principal reason for
14 being conducted was in support of the 2020 census.
15 But it produced useful data. We are still using
16 the data for the one we conducted in 2008 in
17 support of the 2010 census. So it's a reasonable
18 presumption that the data will be used for other
19 purposes, but their primary purpose is in support
20 of the 2020 census.

21 Q I believe you testified earlier that when
22 you were trying to draft the protocol for adding a

1 operation under a budget from the decennial. We
2 don't get a separate -- we have lots of
3 enumerators who haven't worked for us except for
4 the census, but their -- that whole process is run
5 through the field directorate.

6 Q How are the results from the CBAMS
7 currently being used? Are the results currently
8 being used to modify protocols, to design
9 messaging campaigns or other -- in other ways?

10 A The results are currently in the hands of
11 a small team from Young & Rubicon and the
12 Census Bureau, being coordinated within the
13 Census Bureau by Nancy Bates, and Gina Walejko on
14 the technical side. They were the core of the
15 team that did this successfully. By this, I mean
16 focused the advertising and focused the field
17 effort on quantitatively-identifiable low response
18 areas that -- Nancy, in particular, is something
19 of a pioneer in this area. So she is using her
20 expertise. Gina is using her expertise. The Y&R
21 team is using their expertise, which comes from a
22 different domain, and the field staff is using

1 their expertise to try to learn what we can from
2 these data, in addition to the other tools that
3 we've already produced, like the -- the low
4 response indicators in the planning database. So
5 all of those tools will get used.

6 Some of those tools have been actively
7 incorporated into the operational control systems
8 optimizer so that it can use them as a part of its
9 scheduling algorithm. The field supervisors and
10 the managers will get briefed, but the primary
11 use, right now, is to ramp up the communication
12 campaign.

13 Q And just to confirm, the final report
14 will be publicly available, you anticipate, in
15 November or December?

16 A I'm guessing it's still going to be
17 labelled an interim report, but it will be the
18 first public report from the CBAMS.

19 MR. ADAMS: Let's go off the record.

20 VIDEOGRAPHER: We're going off the
21 record. The time on the video is 4:53 p.m.

22 (Off the record.)

1 of that recruitment plan.

2 Q But it's fair to say that the low levels
3 of unemployment right now will make it more
4 difficult to hire enumerators?

5 MR. EHRLICH: Objection. Form.

6 THE WITNESS: It's fair to say it will
7 make it more expensive to hire enumerators. And
8 if that's not acknowledged, then it will make it
9 more difficult to hire enumerators.

10 BY MS. GOLDSTEIN:

11 Q So, previously, you testified about the
12 work that Young & Rubicon was retained to do,
13 correct?

14 A So I testified about the work of the
15 integrated communication contract for which Y&R is
16 the lead contractor.

17 Q Have they done attitudinal studies on the
18 citizenship question as part of that contract?

19 A I do not know whether they have done
20 them. I do know that they are being actively
21 discussed.

22 Q And has Reingold performed attitudinal

1 studies on the citizenship question?

2 A So, as I said earlier, I would learn what
3 Reingold -- so Reingold is a partner in the
4 integrated communication contract, one of the
5 subcontractors. Reingold has been involved in the
6 task orders associated with the integrated
7 communication contract to date. Reingold did
8 participate in the CBAMS task order. I asked
9 whether the task orders were public, and the task
10 orders are not public. So they either have to be
11 FOIA'd or if they're discovered, they have to be
12 redacted to remove confidential information from
13 them. I think that that's what I promised to get
14 in terms of an answer about Reingold.

15 Q But do you know if they have performed
16 attitudinal studies as part of this?

17 A So I do not know whether Reingold was the
18 specific subcontractor or on the subcontractor
19 team to do them. That would be in the task
20 order -- the task order would say this has to be
21 done, and then Y&R would assemble the team that
22 did it. So I might not necessarily know, but the

1 financial officer paying the bills would know
2 whether contractors --

3 The Census Bureau's answer to that
4 question is they have actively participated in the
5 task orders to date and -- and that included the
6 CBAMS, which did have attitudinal -- I think
7 you're not talking about those attitude studies.

8 Q There are other attitudinal studies
9 pursuant to that contract, correct?

10 A There is discussion of other attitudinal
11 work broadly interpreted, but we're not done
12 collecting data - - -

13 Q Right.

14 A -- about things that might make it easier
15 or more difficult to conduct the census.

16 Q So are -- there are no results yet to be
17 analyzed from those studies?

18 A As far as I know, yes. The agency's
19 answer is there are no --

20 (Thereupon, the court reporter
21 clarified.)

22 THE WITNESS: There are not yet any data

1 are on the record.

2 BY MS. GOLDSTEIN:

3 Q Dr. Abowd, I think I have just one more
4 question.

5 If you will turn to the last page of the
6 exhibit in front of you Bates marked 1320.

7 A Okay.

8 Q In light of the Census Bureau's analysis
9 of Alternative C versus Alternative D, do you
10 agree that reinstatement of a citizenship
11 question on the 2020 decennial census is necessary
12 to provide complete and accurate data in response
13 to the DOJ request?

14 A No.

15 Q And that is the position of the
16 Census Bureau, correct?

17 A Yes.

18 MS. GOLDSTEIN:

19 Q Thank you, Dr. Abowd.

20 I just want the record to reflect and
21 that plaintiffs -- and I speak to all plaintiffs
22 with respect to this -- are leaving the record

1 open, because, among other reasons, the documents
2 that were produced last evening that we have not
3 had time to review that are relevant to this
4 deposition, both with respect to the underlying
5 documents, as well as to how the documents relate
6 to many of the topics listed in the 30(b)(6)
7 deposition notice, as well as documents that were
8 identified this afternoon that have not yet, to
9 our knowledge, been produced. These include the
10 Reingold documents, documents relating to the Y&R
11 contract, the CBAMS microdata file that was given
12 to Y&R, and the July extended white paper and
13 possible other documents that we will confer with
14 counsel on.

15 MR. EHRLICH: I think Dr. Abowd said the
16 July white paper was the same as the August white
17 paper we sent you.

18 MS. GOLDSTEIN: There were some small
19 modifications. So to the extent there is another
20 version of that white paper that should be
21 produced to us, okay?

22 MR. EHRLICH: We can talk about that.

1 Q And is there a place -- a place where you
2 could find the expected enumeration from the
3 administrative records?

4 A That's a component of the lifecycle cost
5 estimates.

6 Q And why was it that the RCTs that we've
7 discussed previously were not put into the field?

8 A Acting Deputy Director Lamas,
9 Acting Director Jarmin, and Under Secretary Kelley
10 conferenced about that proposal and determined
11 that the 42 million households that had already
12 asked -- had already answered the existing
13 citizenship question constituted adequate testing
14 and that we would use that question.

15 MR. EHRLICH: I have nothing else.

16 FURTHER EXAMINATION BY MS. GOLDSTEIN:

17 Q One follow-up question on that,
18 Dr. Abowd. Sorry.

19 Was the Census Bureau team of experts
20 consulted on Director Jarmin, Under Secretary
21 Kelley and Dr. Lamas's decision not to put those
22 RCTs into the field?

1 A Tori Velkoff, although she's not an
2 author of the paper that you got, was a member of
3 the SWAT team. She had staff supported.

4 So in these situations, the senior
5 leadership of the Census Bureau consults with the
6 internal experts they believe are most salient. I
7 mean, Tori preferred the cost estimate, so that
8 was -- that's who got consulted.

9 Q So Ms. Velkoff got consulted?

10 A Yes.

11 Q Thank you.

12 And were you -- were you consulted?

13 A No.

14 Q Thank you.

15 VIDEOGRAPHER: This concludes today's
16 video deposition. The time on the video is
17 6:14 p.m. We are off the record.

18 (Whereupon, at 6:14 p.m., the deposition
19 of Dr. John Abowd was concluded.)
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* * * * *

CERTIFICATE OF REPORTER

I, KAREN LYNN JORGENSEN, RPR, CSR, CCR the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me in stenotype and thereafter reduced to typewriting under my direction; that the said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



KAREN LYNN JORGENSEN, RPR, CCR, CSR

Dated this 1st day
of September , 2018.

ACKNOWLEDGEMENT OF DEPONENT

I, DR. JOHN ABOWD, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any changes or corrections, if any, appear in the attached errata sheet signed by me.

Date

DR. JOHN ABOWD

Stephen Ehrlich, Esquire

U.S. DEPARTMENT OF JUSTICE

20 Massachusetts Avenue

Washington, D.C. 20530

IN RE: New York Immigration Coalition, et al., v.
United States Department of Commerce, et al.

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1 Dear Mr. Ehrlich:

2 Enclosed please find your copy of the
3 deposition of DR. JOHN ABOWD, along with the
4 original signature page. As agreed, you will be
5 responsible for contacting the witness regarding
6 signature.

7 Within 21 days of receipt of transcript,
8 please forward errata sheet and original signed
9 signature page to counsel for, John Freedman and
10 all counsel of record.

11 If you have any questions, please do not
12 hesitate to call. Thank you.

13 Yours,



14 Karen Lynn Jorgenson, RPR, CCR, CSR
15 Capital Reporting Company
16 1821 Jefferson Place, Northwest
17 3rd Floor
18 Washington, D.C. 20006
19 (202) 857-3376
20
21
22

cc: All counsel of record

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E R R A T A S H E E T

Case Name: New York Immigration Coalition, et
al., v. United States Department of Commerce, et
al.,

Witness Name: DR. JOHN ABOWD

Deposition Date: Wednesday, August 29, 2018

Page No.	Line No.	Change/Reason for Change
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Signature

Date